

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

PRESTON BERMAN,

Case No. 6:24-cv-01127-MK

Plaintiff,

**CASE MANAGEMENT  
ORDER**

v.

PSYCHIATRIC SECURITY  
REVIEW BOARD, *et al.*,

Defendants.

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**KASUBHAI**, United States Magistrate Judge:

**I. General Directions**

**A. Documents**

All documents described below shall be filed using the District Court's CM/ECF system. Please contact the Courtroom Deputy at [kasubhai\\_crd@ord.uscourts.gov](mailto:kasubhai_crd@ord.uscourts.gov) with questions you may have.

**B. Pronoun Usage**

The parties and counsel are encouraged to advise the Court of their pronouns and honorifics (such as Mx., Ms., or Mr.). People appearing before this Court may provide

their pronouns and honorifics in writing or orally when appearing for conferences, hearings, or trials. Attorneys are encouraged to identify their pronouns and honorifics in their signature lines when submitting documents for filing. Parties and counsel are instructed to address each other in all written documents and court proceedings by those previously identified pronouns and honorifics.

## **II. Scheduling**

Typically, the Court will hold a Rule 16 conference to discuss any matters unique to the case and set firm pretrial deadlines after all Defendants have filed answers. The order setting the Rule 16 conference vacates any pending case deadlines. At the conference, the parties should be prepared to discuss the status of discovery, any actual or potential discovery related issues, consent to magistrate judge, potential trials dates, and any other issues, after which the Court will issue a Scheduling Order setting new case deadlines. Prior to a Rule 16 conference, the parties may submit a proposed Joint Scheduling Order that they would like the Court to consider.

Absent exigent circumstances, a motion to extend case deadlines, even when unopposed, should be received at least five days before the current deadline.

## **III. Discovery Issues**

Judge Kasubhai expects to handle discovery disputes informally and discourages parties from filing motions to compel, which take extra time and resources to resolve. In the event the parties have a dispute they should first e-mail a brief summary of the dispute to the Courtroom Deputy at [kasubhai\\_crd@ord.uscourts.gov](mailto:kasubhai_crd@ord.uscourts.gov). If the dispute cannot be resolved by e-mail correspondence, Judge Kasubhai will schedule a telephonic hearing to discuss the matter.

#### **IV. Motions Practice**

##### **A. Oral Argument**

Judge Kasubhai does not automatically schedule oral argument upon request. The parties will be contacted if, after reviewing the briefing, Judge Kasubhai determines oral argument will be helpful in resolving the motion.

##### **B. Summary Judgment**

Judge Kasubhai strongly encourages parties to only seek summary judgment on issues the moving party legitimately believes involve no question of material fact or that raise significant dispositive legal issues. This level of consideration will avoid unnecessarily delaying the resolution of the case, drawing down client's resources, as well as the Court's resources. Accordingly, a moving party's argument in favor of summary judgment should be well supported by citations to the record, which should be either to the paragraph numbers of affidavits and declarations or to the page number of any deposition excerpts. Parties are required to submit copies of all documents in an organized fashion.

##### **C. Judge's Copies**

Except for those documents identified in the Trial Management Order, parties are exempt from Local Rule 5-10 with regard to the paper filing of documents. Please do not send Judge Kasubhai paper copies of your filings. He will access your filings electronically and does not need a courtesy copy.

##### **D. Hyperlinks**

Judge Kasubhai strongly encourages counsel to hyperlink the cases they cite in their briefs. For information on inserting hyperlinks in CM/ECF, see [Section 5 of the CM/ECF User Manual](#).

## **V. Trial Setting**

If the parties file a consent to Magistrate Judge, then firm pretrial conference and trial dates will be scheduled. After setting the trial date, Judge Kasubhai will enter a Trial Management Order that sets out the dates that all pretrial documents are due. Pretrial conferences are generally held in person in Judge Kasubhai's courtroom.

## **VI. Settlement Conferences**

Requests to schedule a settlement conference can be directed to the Courtroom Deputy [kasubhai\\_crd@ord.uscourts.gov](mailto:kasubhai_crd@ord.uscourts.gov). Judge Kasubhai encourages the parties to explore settlement at any stage of litigation and will assist in locating a settlement judge.

## **VII. Opportunities for New Lawyers**

Judge Kasubhai strongly encourages litigants and law firms to be mindful of opportunities for new lawyers (attorneys practicing less than seven years) to conduct hearings before the Court in tandem with more experienced attorneys, especially where new lawyers drafted or significantly contributed to motions and responses. These opportunities include oral argument as well as witness examination.

Judge Kasubhai considers it important to provide new lawyers with substantive speaking opportunities to gain experience in Court, as the benefits of such experience accrue to the new lawyer, clients, and the legal profession in general. However, Judge Kasubhai understands that, in some instances, having a new lawyer appear may not be appropriate or in the client's best interest. Therefore, an experienced attorney may supplement a new lawyer's arguments and questions with their own if necessary.

## **VIII. Expedited Case Management**

If the parties file a consent to Magistrate Judge and agree to an expedited trial schedule,

then the Court will set a case management conference to discuss limits on discovery and any need for dispositive motions. The Court will make every effort to set a trial date within six months of the expedited case management conference.

**IX. *Pro Se* Parties**

Parties proceeding *pro se* (representing yourself without a lawyer) should refer to the District of Oregon’s “[Handbook for Self-Represented Parties](#)” for helpful information.

**X. *Pro Hac Vice***

Attorneys admitted *pro hac vice* and their Oregon counsel should read and be familiar with the Court’s Local Rules and general litigation practices.

IT IS SO ORDERED.

DATED this 15th day of July 2024.

s/ Mustafa T. Kasubhai  
MUSTAFA T. KASUBHAI (He/Him)  
United States Magistrate Judge